

Senate File 515 - Introduced

SENATE FILE 515
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1047)

(COMPANION TO HF 397 BY
COMMITTEE ON JUDICIARY)

A BILL FOR

1 An Act relating to remote presence for purposes of notarial
2 acts and executing wills and codicils, and including
3 retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 9B.14A, subsection 7, Code 2023, is
2 amended to read as follows:

3 7. Before a notary public performs the notary public's
4 initial notarial act under this section, the notary public
5 must notify the secretary of state that the notary public will
6 be performing notarial acts with respect to remotely located
7 individuals and identify the technologies the notary public
8 intends to use. If the secretary of state has established
9 standards under subsection 8 and section 9B.27 for approval of
10 communication technology or identity proofing, ~~the~~ all of the
11 following apply:

12 a. The communication technology and identity proofing the
13 notary public intends to use must conform to the standards.

14 b. If the notary public elects to use identity proofing
15 under subsection 3, paragraph "a", the identity proofing must
16 conform to the standards.

17 Sec. 2. Section 633.279, Code 2023, is amended by adding the
18 following new subsections:

19 NEW SUBSECTION. 3. Execution of remote will or codicil
20 in counterparts. When a will or codicil is executed using
21 remote signing under this section, the original document may
22 be executed in one or more counterparts by parties located
23 in different locations, and all such counterparts may be
24 aggregated to comprise the complete will or codicil of the
25 testator.

26 NEW SUBSECTION. 4. Remote will or codicil under disaster
27 proclamation. Any will or codicil executed using the remote
28 signing procedures permitted under the proclamation of disaster
29 emergency of the governor issued April 2, 2020, and expired
30 February 15, 2022, shall be deemed to satisfy the presence
31 requirements of this section if the will or codicil was
32 executed during the effective period of the proclamation of
33 disaster emergency.

34 NEW SUBSECTION. 5. Definition. For purposes of this
35 section, "presence" means any manner, physical or electronic,

1 in which the witness and testator can see and hear the acts of
2 each other in real time.

3 Sec. 3. RETROACTIVE APPLICABILITY. The following applies
4 retroactively to wills and codicils executed on or after April
5 2, 2020:

6 The portion of the section of this Act enacting section
7 633.279, subsection 4.

8 EXPLANATION

9 The inclusion of this explanation does not constitute agreement with
10 the explanation's substance by the members of the general assembly.

11 This bill relates to remote presence for purposes of
12 notarial acts and executing wills and codicils. The bill
13 requires that if a notary elects to use identity proofing for
14 purposes of performing notarial acts for remotely located
15 individuals, the identity proofing must conform to the
16 standards established by the secretary of state.

17 For purposes of executing wills and codicils, the bill
18 defines the term "presence" to mean any manner, physical or
19 electronic, in which the witness and testator can see and hear
20 the acts of each other in real time. The bill provides when a
21 will or codicil is executed using remote signing, the original
22 document may be executed in one or more counterparts by parties
23 located in different locations, which may be aggregated to
24 comprise the complete will or codicil.

25 The bill provides that any will or codicil executed using
26 remote signing procedures between April 2, 2020, and February
27 15, 2022, shall be deemed to satisfy the presence requirements,
28 pursuant to the governor's proclamation of disaster emergency.
29 This provision of the bill is retroactively applicable to April
30 2, 2020.